

## REMARKS

Claims 1 and 3-5 are pending in the application. Claims 6-51 have been canceled pursuant to their having been withdrawn owing to a restriction requirement. The cancellation of claims 6-51 is without prejudice to applicant's right to submit those claims in a subsequent divisional application.

### *Claims Rejections - 35 U.S.C. § 103*

Claims 1-5 stand rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 5,536,267 to Edwards et al. ("Edwards") in view of U.S. Patent No. 5,354,279 to Hofling.

In order to more specifically identify applicant's invention and facilitate the Examiner's understanding of the differences between applicant's invention and the prior art relied on by the Examiner, applicant has amended claim 1 to specify that the multiple hollow needle elements at the end of the tubular member are all connected to the same lumen of the tubular member.

As set forth in amended claim 1, an endoscopic medical instrument comprises an elongate tubular member with a lumen and a plurality of hollow needle elements connected to one end of the elongate member so that each of the hollow needle elements communicates with the lumen of the elongate tubular member. The elongate tubular member is sufficiently flexible, long and narrow to traverse a biopsy channel of a flexible fiberoptic endoscope. The needle elements extend in a direction away from the one end of the elongate tubular member and are each convex on an outer side facing away from the other needle element and concave on an inner side facing the other needle elements so that the needle elements together define a bulbous ovoid shape, with tips of the needle-

elements angled inwardly at a distal tip of the medical instrument. The needle elements each are sufficiently flexible to negotiate bends in the biopsy channel. Each of the hollow needle elements is provided with at least one aperture so that fluid may be delivered through the elongate tubular member and the hollow needle elements and out through the apertures in the hollow needle elements.

The Edwards reference discloses a multiple electrode ablation apparatus having a plurality of hollow electrodes 20 each extending longitudinally through a guide catheter 12 (Figures 6 and 7). The electrodes are not connected to a distal end of the guide catheter so that each of the electrodes (20) communicates at a proximal end with a lumen of the catheter (12) and so that fluid may be delivered through the catheter into the electrodes. In the device of Edwards, the electrodes (20) pass longitudinally along the catheter and out through a closed distal end of the catheter. Proximal ends of the electrodes are presumably located outside the catheter at the proximal end thereof. Liquid flows through each of the electrodes separately and does not flow from the catheter into the electrodes. The electrodes do not communicate at their proximal ends with the lumen of the catheter.

The Hofling reference discloses a catheter for the injection of a fluid through multiple bent hollow needles (26) into a wall of a vein or other hollow internal organ. In a first embodiment, relied on by the Examiner, each needle element (26) communicates with a fluid source (45, 46 in Figure 3) *via respective lumens* (24) in a tubular hose member (20) that is slidably disposed inside an introducer catheter (38). The same structure of needle elements having their own dedicated feed channels is present in all of the embodiments of the Hofling injection catheter assembly. This is in contrast to

applicant's invention as set forth in amended claim 1, where *each* of multiple hollow needle elements communicates with the *same* lumen of the elongate tubular member.

As discussed in a prior Amendment, applicant's invention is particularly designed for use in an endoscopic procedure to raise polyps from a colon wall so that the polyps may be removed without perforating the colon. The present invention renders polypectomies safer.

The claim amendments, if any, made herein are made without prejudice to applicants' right to pursue additional subject matter in a separate continuation or divisional application.

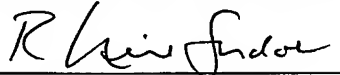
### *Conclusion*

For the foregoing reasons, independent claim 1, as well as claims 3-5 dependent therefrom, is deemed to be in condition for allowance. An early Notice to that effect is earnestly solicited.

Should the Examiner believe that direct contact with applicant's attorney would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the number below.

Respectfully submitted,

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